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S E C R E T HARARE 001123

SIPDIS

NSC FOR SENIOR AFRICA DIRECTOR J. FRAZER
LONDON FOR C. GURNEY
PARIS FOR C. NEARY
NAIROBI FOR T. PFLAUMER
BANGKOK FOR WIN DAYTON
DS/OP/AF

E.O. 12958: DECL: 12/31/2013

TAGS: [PGOV](#) [PHUM](#) [PINR](#) [ASEC](#) [Z1](#)

SUBJECT: STATE TO PRODUCE SURPRISE WITNESS, JUDGE MAKES
DIPLOMATIC RULING - TSVANGIRAI TREASON TRIAL WEEK ELEVEN

REF: A. HARARE 1024

[B](#). HARARE 946

[C](#). HARARE 568

[D](#). HARARE 484

[E](#). HARARE 360

[F](#). HARARE 313

[G](#). HARARE 250

Classified By: Political Officer Audu Besmer for reasons 1.5 b/d

Summary:

[1](#). (S) Although the Tsvangirai treason trial was brief during the week of May 27 - 30, possibly in anticipation of the MDC planned mass action, on May 29, the Deputy Canadian High Commissioner informed us that according to Ottawa intelligence sources, the prosecution intended to introduce "Edward Simms" as a surprise witness in the coming days. Simms attended the Montreal meeting; the State alleges he is a CIA agent but has kept other details of his identity secret. Bringing him forward now suggests the State is more

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desperate to prove its case. Justice Paddington Garwe ruled that Brigadier Bonyongwe could not be compelled to answer questions on the operations of the CIO, but should answer questions on his role in the destruction of the payment vouchers. End Summary.

Surprise State Witness?

[2](#). (S) On May 29, the Deputy Canadian High Commissioner informed us that according to Ottawa intelligence sources, the prosecution intended to introduce a surprise witness this week, and Ottawa suspected the witness to be the heretofore not-clearly-identified "Edward Simms". (Note: According to the State's star witness Ari Ben Menashe, the leader of the Montreal meeting depicted on the video tape is "Edward Simms", an employee of the CIA. The defense has published an artist's rendering of "Simms" based on the grainy video in an attempt to identify him. End Note.) By June 2, however, the State had not produced Simms. (It is also possible that the State intends another "surprise" unrelated to Simms to bolster its case.)

Judge Issues Diplomatic Ruling

[3](#). (U) Also on May 29, Justice Paddington Garwe ruled that the certificate issued by Nicholas Goche, Minister of State Security - claiming that information on the operations of the Central Intelligence Organization was privileged - was valid (Ref A). Garwe did note, however, that the certificate could not exempt Brigadier Bonyongwe from answering questions on his role in the destruction of the payment vouchers. Garwe did not think that the questions Advocate Bizos asked Bonyongwe regarding the vouchers would reveal the operations of the CIO.

[4](#). (C) According to defense attorney Innocent Chagonda, although Garwe had given the defense team permission to ask Bonyongwe about the vouchers, some of the questions they wanted to ask about the payments did pertain to the operations of the CIO. Chagonda believed it would still be difficult to ask Bonyongwe questions about the vouchers.

Comment:

[5](#). (S) The CIA has confirmed that Simms is not an employee. As such his bona fides are questionable, and it is unclear what value to the State he would be as a witness. We presume his arrival was delayed and he still may come in the coming days. It would appear the State was reluctant to bring him forward, or he personally did not want to come forward previously. Either way, that he now may appear suggests the

State is taking more desperate measures to prove its case.
Garwe appears to have made a diplomatic decision on the
certificate issued by Minister Goche to appease both parties
- he upheld it, but also stated that the defense could
proceed with their questioning. End Comment.
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